

NOT RECOMMENDED FOR PUBLICATION

No. 24-1774

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Dec 20, 2024

KELLY L. STEPHENS, Clerk

ELIZABETH NELSON; ALBERT D. THROWER,)

Plaintiffs-Appellants,)

v.)

ROBERT SCOTT, et al.,)

Defendants-Appellees.)

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN**ORDER**

Before: BATCHELDER, COLE, and BUSH, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

Elizabeth Nelson and Albert D. Thrower filed a pro se civil action against numerous defendants, which the district court grouped as the “City of Warren Defendants” and the “Service Towing Defendants.” Each group of defendants filed a motion to dismiss. On August 22, 2024, the district court granted the motion to dismiss filed by the City of Warren Defendants. The motion to dismiss filed by the Service Towing Defendants remains pending. Nelson and Thrower have filed a notice of appeal from the August 22, 2024, order.

This court has appellate jurisdiction over final decisions of the district courts, 28 U.S.C. § 1291, certain interlocutory orders, 28 U.S.C. § 1292, and other interlocutory orders that are collateral to rights asserted in an action. *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949); *see also Anderson v. Roberson*, 249 F.3d 539, 542-43 (6th Cir. 2001). A final decision is one that “ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.” *Catlin v. United States*, 324 U.S. 229, 233 (1945).

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The district court's August 22, 2024, order is not final because it disposed of fewer than all of the claims and parties involved in this action and did not direct entry of a final, appealable judgment under Federal Rule of Civil Procedure 54(b). *See Liberty Mut. Ins. v. Wetzel*, 424 U.S. 737, 742-45 (1976); *Solomon v. Aetna Life Ins.*, 782 F.2d 58, 59-60 (6th Cir. 1986). The partial dismissal is neither an interlocutory order that falls under 28 U.S.C. § 1292 nor an immediately appealable collateral order under the doctrine announced in *Cohen*. And no final decision regarding the claims against the Service Towing Defendants has been entered during the pendency of this appeal. *See Gillis v. U.S. Dep't of Health & Hum. Servs.*, 759 F.2d 565, 569 (6th Cir. 1985). As a result, this court lacks appellate jurisdiction.

Accordingly, this appeal is **DISMISSED**.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

United States Court of Appeals for the Sixth Circuit

U.S. Mail Notice of Docket Activity

The following transaction was filed on 12/20/2024.

Case Name: Elizabeth Nelson, et al v. Robert Scott, et al

Case Number: 24-1774

Docket Text:

ORDER filed: This appeal is DISMISSED. No mandate to issue. Alice M. Batchelder, Circuit Judge; R. Guy Cole, Jr., Circuit Judge and John K. Bush, Circuit Judge.

The following document(s) are associated with this transaction:

Document Description: Order

Notice will be sent to:

Ms. Elizabeth Nelson
P.O. Box 1422
Warren, MI 48090

Mr. Albert D. Thrower
P.O. Box 6702
Cleveland, OH 44101

A copy of this notice will be issued to:

Mr. Sandro D. DiMercurio
Ms. Kinikia D. Essix
Ms. Jennifer Ellen Mead
Ms. Rachel Catherine Selina
Mr. Thomas H. Stidham
Mr. Mark E. Straetmans